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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,730	05/17/2000	CHARLES ERIC HUNTER	0108020-0533877	9231

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FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI, OH 45202

EXAMINER	
ALVAREZ, RAQUEL	
ART UNIT	PAPER NUMBER
3688	

NOTIFICATION DATE	DELIVERY MODE
08/25/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@fbtlaw.com

Office Action Summary	Application No.	Applicant(s)	
	09/465,730	HUNTER ET AL.	
	Examiner	Art Unit	
	Raquel Alvarez	3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *6/12/2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-19,22,23,73-79,83 and 84* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-19,22,23,73-79,83 and 84* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/12/09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to communication filed on 6/12/2009.

2. Claims 14-19, 22-23, 73-79 and 83-84 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 14-17, 22-23, 73-79 and 83-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (6,060,993 hereinafter Cohen).

With respect to claims 73-74,76,77, 83, 84 Cohen teaches a method of providing video or still image advertisements at selected locations on a network of multiple display screen that are located in traffic areas (Abstract).

Providing at least one advertising customer the opportunity to select at least one particular display screen via an advertising customer interface, wherein each particular display screen is positioned at a respective particular location (i.e. the advertisers designates the display 14 location where it wants to advertise)(col.4, lines 64- to col. 5, lines 1-3);

Providing the at least one advertising customers the opportunity to order display of advertising content at display screen locations selected by the advertising customers

(i.e. advertiser 28 chooses the advertisers content to display at various locations specified by the individual advertisers) (col. 4, lines 64 to col. 5, lines 1-3) ;

Receiving an order from the advertising customer, wherein the order comprises a selection of the at least one display screen (i.e. based on the advertisers profiles/ preferences, the advertisers are billed for the display screen destination, message content and scheduling information)(col. 5, lines 24-36);

receiving advertising content from the advertising customers (i.e. receiving advertisers profiles and customer preferences based on the location and weather)(col. 4, lines 64 to col. 5, lines 1-3 and col. 5, lines 24-28);

transmitting advertising content received from the advertising customers to the selected display screen locations (see display 14);

driving the at least one selected display screen to display the transmitted advertising content in accordance with the advertising customers' orders (see Figure 1; col. lines 37-46).

With respect to the advertising customer electronically ordering the display via an electronic communication link. Cohen teaches on col. 2, lines 58-61 and col. 4, lines 64 to col. 5, lines 1-3 and col. 5, lines 24-27 advertisers profiles, the advertisers choosing where and under what weather conditions (i.e. scheduling) to display the advertisements. Cohen is silent as to the means used by the advertisers to order and schedule the display. Official Notice is taken that it is old and well known at the time of Applicant's invention to electronically by means of a website and the like to order advertisements from a content provider. It would have been obvious to a person of

ordinary skill in the art at the time of Applicant's invention to have included in the system of Cohen electronically means for ordering because such a modification would provide the convenience of ordering using such known methods as the Internet.

With respect to claim 75, Cohen further teaches generating a bill in accordance with the order (col. 5, lines 14-23).

With respect to claim 78, Cohen further teaches sending the advertising content to the selected display screens using wireless communications (col. 3, lines 39-43).

With respect to claims 79, and 83-84, Cohen further recites any of a variety of known electronic driven changeable displays, including LED, liquid crystal displays (col. 3, lines 64 to col. 4, lines 1-3).

Claim 14 further recites converting a format of the advertising content into a single format for display. Official Notice is taken that

With respect to claims 15-17, the claims further recite reviewing the content prior to display for appropriateness. Official Notice is taken that it is old and well known to check content prior to displaying to the public. For example, transcripts, manuscripts and the like are reviewed before they are televised/presented to the public. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's

invention to have included reviewing the content prior to display for appropriateness to make sure the content is correct.

Claims 22-23 further recite detecting defective pixels on the display and automatically calibrating the defective pixels. Official notice is taken that it is old and well known in the imaging arts to detect and automatically calibrate the defective pixels in order to improve the image.

5. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of Cragun (5,504,675 hereinafter Cragun).

Claims 18-19 further recite detecting customer traffic near the selected display locations and generating market analysis report from the detection of traffic. Cragun teaches collecting data pertaining to the proximity of persons around a presentation unit display and using the collected data to further run sales promotion programs (Abstract). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included detecting customer traffic near the selected display locations and generating market analysis report from the detection of traffic in order to obtain the above mentioned advantage.

Response to Arguments

6. Typo pertaining to claim 23 has been corrected above.

7. Applicant argues that Cohen doesn't teach the advertising customer being provided the opportunity to select at least one particular display screen. The Examiner respectfully disagrees with Applicant because Cohen clearly teaches the "**specific advertisements are displayed when and where the advertisers choose**"(In Cohen col. 2, lines 48-51). The advertisers designate the location of where it wishes to advertise and based on the vehicle's location and the advertiser's profile/preference the advertisements are displayed (col. 4, lines 64 to col. 5, lines 1-3 and col. 5, lines 24-28). Therefore contrary to Applicant's arguments, Cohen doesn't teach away from Applicant's invention.

8. Applicant argues that Cohen doesn't teach the advertiser selecting a specific display screen. The Examiner disagrees with Applicant because in Cohen the advertisers choosing **when** and **where** and **scheduling** the content of the advertisements the system of Cohen takes into account the travel routes of the mobile vehicles and based if say the advertisers chooses to advertise in the Washington, DC area (i.e. mobile screen located at Washington DC is chosen by the advertisers) during a particular day that he or she chooses to display his ads.

9. With respect to the receiving advertising content from the advertising customers via an electronic communications link. The Examiner wants to point out that the claims were rejected under Cohen 103 and therefore should be argued accordingly. The Examiner had taken Official Notice of such.

10. With respect to the Official Notice taken, in citing the MPEP for support, Applicant rely on the portion of the MPEP addressing what constitutes an insufficient challenge to taking of an Official Notice . However, Applicant is ignoring the sentences immediately before the cited portion of the MPEP which addresses what does constitute a sufficient challenge to taking of an Official Notice. In particular, the portion of the MPEP ignored by the Applicant states that "[t]o adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.11 l(b). MPEP § 2144.03 (C).

11. With respect to claims 14-17, the arguments are moot, see new grounds of rejection above.

Point of contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Weinhardt can be reached on (571)272-6633. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raquel Alvarez/
Primary Examiner, Art Unit 3688

Raquel Alvarez
Primary Examiner
Art Unit 3688

R.A.
8/20/2009